



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 24 मई, 2013/3 ज्येष्ठ, 1935

हिमाचल प्रदेश सरकार

MUNICIPAL COUNCIL NARKANDA DISTT SHIMLA (HP)
(CONTROL AND REGULATION OF) OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Narkanda, the 21st May, 2013

NP/NKD/218/2013.—Whereas the Muck dumping by-laws, 2013 made by the MC/NP in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and zb) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from to time to time was published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice was given that the said bye laws shall be considered by the

Nagar Panchayat after expiry of a period of 15 days from the date of publication of said notification *vide* notification of even No. dated 25th April, 2013. From the person likely to be affected by these bye laws had any objections against these draft rules they could send the written objections to the Executive Officer within the aforesaid period.

And whereas no objection and suggestions has been received within the stipulated period, the matter was discussed and finally approved in the house *vide* its resolution No. 259 dated 4th March, 2013.

Now therefore in exercise of the powers conferred ibid sections of the Himachal Pradesh Municipal Act, 2013 (Act No. 13 of 1994) is hereby enacted the Nagar Panchayat Narkanda (Control and Regulation) of Muck Dumping Bye laws 2013 as under :—

“MC/NP Narkanda (Control and Regulation) of Muck Dumping Bye-laws, 2013.”

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called “Nagar Panchayat Narkanda-(Control and Regulation) of Muck Dumping Bye-laws, 2013.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of MC/NP Narkanda as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC/NP.
- (c) **“Authorized Officer”**-means any Officer/official duly authorized by the MC/NP--- under these Bye-laws.
- (d) **“Muck”**-includes earth of stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) **“Place”**- means authorized site specified by the MC/NP-Narkanda for dumping of muck.
- (f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of MC/NP-Narkanda under the Act.
- (g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the MC/NP-Narkanda for dumping of Muck within their area.

(ii) Any person found dumping the Muck illegally, unauthorisely and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the MC/NP on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC/NP Narkanda on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the MC/NP authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the contractor hired or engaged by the MC/NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the MC/NP at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in case of emergencies, the MC may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC/NP in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size 2ft...X...2ft indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the MC/NP for entertainment of complaints etc.

(ix) The MC/NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

- | | |
|------------|-----------------------|
| (i) Manual | Rs.5/- per cement bag |
| (ii) Mule | Rs.20/- per trip |

(iii) Pick up	Rs.300/-per pick up
(iv) Tipper Heavy duty/truck	Rs. 700/- per tipper/truck

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP. Narkanda.

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the MC/NP.

(ii) Whosoever is found dumping Muck other than the place specified by the MC/NP, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.

(iii) At the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Byelaws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authority officer/official and keep the same in custody at the place designated by the MC/NP till it is not released to the registration owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs.1000/- per day payable by registered owner to the MC/NP in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution or Prosecution, be compounded by such officer as may be authorized by the MC/NP of Executive officer/ Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Special Judicial Magistrate First Class of the concerned municipal area under section 260 of the Code of Criminal Procedure.

10. Penalty.—(i) Whosoever, is guilty of dumping Muck other than the place specified/notified by the MC/NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance of thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC/NP in respect of the class and make of vehicle as defined in Clause 5 of these Byelaws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be

liable for disconnection of water, electricity and others civic amenities and the concerned Officer/ official may request the competent authority of withdrawn of recognition and registration if any granted in their favour including withdrawn of building sanction granted in favour of the owner concerned.

By order
Sd/-
Secretary,
Nagar Panchayat Narkanda.

Appendix-I

(See Bye laws 4(i))

Performa for Estimation of Muck Generation

1. Name of the applicant of the plot /land/project.
2. Area and kh. No. of the plot/land /project.
3. Location of the plot/land/project including Municipal ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated,(Quantity must be specified in cubic metres)alongwith estimate duly signed by the authorized person.

Signature,

(Name and address of the applicant).

Date:

Place:

MUNICIPAL COUNCIL, MANDI (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Mandi, the 23rd May, 2013

No. MC/MND(Muck dumping)/2013-3212.—Whereas the following draft Muck dumping by-laws, 2013 made by the Municipal Council, Mandi in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and z b) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from time to time and notices were published in news paper Amar Ujala on dated 21-04-2013 and Dainik Bhaskar dated 21-04-2013 for the information of general public and whereas objections from all persons likely to be effected thereby were invited before the expiry of 30 days from the date of publication of notices in the news papers.

And whereas no objections/suggestions were received during the stipulated period. Now, therefore, in exercise of the power conferred by section 216, 217 and Section 219 read with clause

(y and z b) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from time to time, the Municipal Council, Mandi makes the following Bye-Laws, namely:—

“Municipal Council, Mandi (Control and Regulation) of Muck Dumping Bye-laws, 2013.”

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called “Municipal Council, Mandi (Control and Regulation) of Muck Dumping Bye-laws, 2013.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Council, Mandi as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Municipal Council, Mandi.
- (c) **“Authorized Officer”**-means any Officer/official duly authorized by the Municipal Council, Mandi under these Bye-laws.
- (d) **“Muck”**-includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) **“Place”**- means authorized site specified by the Municipal Council, Mandi for dumping of muck.
- (f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of Municipal Council, Mandi under the Act.
- (g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Municipal Council, Mandi for dumping of Muck within its area.

(ii) Any person found dumping the Muck illegally, un-authorisly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) applicant or the person concerned intended to commence the construction within the area of the Municipal Council, Mandi shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the Municipal Council, Mandi on the prescribed proforma annexed with these Bye-laws as

appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the Municipal Council, Mandi on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the Municipal Council, Mandi authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the contractor hired or engaged by the Municipal Council, Mandi for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the Municipal Council, Mandi at the time of inspection.

(vi) The normal timings for dumping the Muck in the dumping site shall be for ward No. 4, 6, 7, 8 & 9 from 5:00 AM. to 8:00 AM & 8.00 PM to 11.00 PM and for others ward from 5 AM to 11PM. However, in the case of exigencies, the Municipal Council, Mandi may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Municipal Council, Mandi in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size 3'X2' indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the Municipal Council, Mandi for entertainment of complaints etc.

(ix) The Municipal Council, Mandi shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Manual	Rs. 5/- per cement bag
(ii) By Mule	Rs. 10/- per each
(iii) Pickup	Rs.100/- per pickup
(iv) Tipper light duty	Rs.150/-per tipper
(v) Tipper Heavy duly/truck	Rs. 200/- per tipper/truck.

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Municipal Council, Mandi.

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the Municipal Council, Mandi.

(ii) Whosoever is found dumping Muck other than the place specified by the Municipal Council, Mandi, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.

(iii) At the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the Municipal Council, Mandi in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the Municipal Council, Mandi till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 500/- per day payable by registered owner to the Municipal Council, Mandi in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may before, the institution or Prosecution, be compounded by such officer as may be authorized by the Municipal Council, Mandi or Executive officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the Code of Criminal Procedure.

10. Penalty.—(i) Whosoever, is guilty of dumping Muck other than the place specified/notified by the Municipal Council, Mandi, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipal Council, Mandi in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority for withdrawn of recognition and registration if any

granted in their favour including withdrawn of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Executive officer,
Municipal Council, Mandi,
Distt. Mandi Himachal Pradesh.

Appendix-1

(See Bye-law 4 (i))

Performa for estimation of Muck generation

1. Name of the applicant of the Plot/ land/project.
2. Area and Kh. No. of the plot/land/project.
3. Location of the plot/land/project including Municipal Ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated, (quantity must be specified in cubic meters) along with estimate duly signed by the authorized person.

Signature,
(Name and address of the applicant).

Date:

Place:

MUNICIPAL COUNCIL KULLU

[CONTROL AND REGULATION OF MUCK DUMPING BYE-LAWS, 2012].

NOTIFICATION

Kullu, the 8th May, 2013

No. MCK-ME(C)-12-1740.—The following Muck Dumping bye laws, 2012 made by the M.C. Kullu in exercise of the power conferred by section 216, 217 and section 219 read with Clause (y and zb) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said bye laws have been considered by the MC Kullu after no objection/suggestion was received after publication in the newspapers.

“MC Kullu (Control and regulation) of Muck Dumping Bye- Laws, 2012.”

1. Short title, commencement and application.—(i) These Bye-Laws may be called “MC Kullu (control and Regulation) of Muck Dumping, Bye Laws 2012”.

(ii) These Bye-Laws shall come into force from, the date of publication in Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of MC Kullu as defined from time to time.

2. Definitions.—(i) In these Bye-Laws, unless the context otherwise requires:—

- (a) “Act”—means the Himachal Pradesh Municipal Act, 1994 (act no. 13 of 1994) As amended from time to time.
- (b) “Applicant”—Means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC.
- (c) “Authorized officer”—means any officer/ official duly authorized by the MC Kullu under these Bye laws.
- (d) “Muck”—includes earth or stone, material of any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) “Place”—means authorized site specified by MC Kullu for dumping of Muck.
- (f) Judicial Magistrate First Class”—means the Judicial Magistrate having jurisdiction over the area of MC Kullu under act.
- (g) Words or expressions used in these Bye-Laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by MC Kullu For dumping of Muck within their area.

(ii) Any person found dumping the muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-Laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application Grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the MC shall in writing submit detailed estimation of Muck to be generated from the Plot/construction site to the MC on prescribed proforma annexed with these bye-Laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favor of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Kullu on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the MC authorized in writing and the name of the place/ site for dumping of debris by the applicant shall

also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC for managing the dumping site.

(v) During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the widescreen of the vehicle and the same shall have to be shown to the authorized officer of the MC at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after sun set and before the sun rise. The normal timings for dumping the muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in case of exigencies, the MC may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition /restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of 1.00x0.50 mtr. indicating there in number and date of sanction, commencement of construction and hour during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/control room set up by the MC for entertainment of complaints etc.

(ix) The MC shall prescribe the condition relating to their application of muck generation from the plot, grant of sanction for muck disposal and condition relating affixing of board at site giving therein the details as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of muck in the specified places.

(i) Pickup	Rs. 300/- per pickup
(ii) Tractor	Rs. 400/- per tractor
(iii) Tipper light duty	Rs. 700/- per tipper
(iv) Tipper Heavy duty/truck	Rs. 1200/- per tipper/truck
(v) Mule Rs.	Rs. 20/- per mule.
(vi) Manual	Rs. 10/- per cement bag

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC.

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available the entire person so hired or engaged by him for dumping of muck in a specified places as specified by the MC.

(ii) Who so ever is found Muck other than the place specified by the MC, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-Laws.

(iii) At time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the MC in this behalf either on the information receiving by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-Laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye- Laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the MC till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/ per day payable by registered owner to the MC in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye- laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by MC or Executive officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-Laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First class of the concerned Municipal area under section 260 of the code of criminal Procedure.

10. Penalty.—(i) Whosoever, is guilty of dumping Muck other than the place specified/ notified by the MC, the rate of penalty shall be ten time at the first instance, twenty time at the second instance and for the third instance and thereafter the amount of penalty shall be thirty time of the actual rate of dumping as fixed by the MC in respect of class and make vehicle as defined in clause 5 of these bye laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and other civic amenities and the concerned officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favors including withdrawal of building sanction granted in favor of the owner concerned.

By order,

-Sd-

*Executive Officer,
Municipal Council Kullu.*

NAGAR PANCHAYAT ARKI

(CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Arki, the 23th May, 2013

No. 426.—The following Muck Dumping bye-Laws, 2012 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (y and zb) of sub

section 1 of section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time. Since no objection has been received by Nagar Panchayat Arki, hence Muck Dumping Bye-laws has been finalized namely:

N.P. ARKI (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2012

Preliminary

1. Short title, commencement and application.—(i) These Bye-Laws may be called, NP-Arki--(Control and Regulation) of Muck Dumping Bye-Laws, 2012.

(ii) These Bye-Laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of NP-Arki--as defined from time to time.

2. Definitions.—(i) In these Bye-Laws, unless the context otherwise requires.

(a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time .

(b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP Arki.

(c) **“Authorised Officer”**- means any Officer/Official duly authorized by the NP Arki under these Bye-Laws.

(d) **“Muck”**- includes earth or stone ,material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

(e) **“Place”**- means authorized site specified by the Nagar Panchayat Arki for dumping of Muck.

(f) **“Judicial Magistrate First Class”**- means the Judicial Magistrate having jurisdiction over the area of Nagar Panchayat Arki under the Act.

(g) “words and expressions used in these Bye-Laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Nagar Panchayat Arki for dumping of Muck within their area.

(ii) Any person found dumping the Muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye-Laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the Nagar Panchayat shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the NP on the prescribed proforma annexed with these Bye-Laws as appendix-1 at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the Nagar Panchayat Arki on this account.

(iv) The place for dumping of Muck shall be communicated to the applicant by the NP authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and same shall have to be shown to the authorized Officer of the NP at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9.00 A.M. to 5.00 P.M. However, in the case of exigencies, the Nagar Panchayat may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the large public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) the person after obtaining the section of building map from the competent authority or before raising the construction at site is required to install a painted board of the size 3x2 indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.

(ix) The Nagar Panchayat shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Pickup/Trali	Rs.100/-per pickup/ trali
(ii) Tipper light duty	Rs.150/-per tipper
(iii) Tipper Heavy duty/truck	Rs.300/-per tipper/truck.
(iv) Manual labour/Mule	Rs.10/-per cement bag

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Nagar Panchayat Arki.

6. Duties and responsibilities of person concerned.—(i) it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent

authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the Nagar Panchayat.

(ii) Whosoever is found dumping muck other than the place specified by the Nagar Panchayat, the owner or the person caught dumping the muck shall be liable jointly for penalty under these Bye-Laws.

(iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) the authorized officer or the police establishment of the NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-Laws.

(ii) the vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) the official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorised officer/official and keep the same in custody at the place designated by the Nagar Panchayat Arki till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs.1000/- per day payable by registered owner to the NP in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-Laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the NP or Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-Laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the judicial Magistrate First Class of the concerned Municipal Area u/s 260 of the code of Criminal Procedure.

10. Penalty.—(i) Whosoever, is guilty of dumping muck other than the place specified/ notified by the Nagar Panchayat, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Np in respect of the class and make of vehicle as defined in Clauses 5 of these Bye-Laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Arki.

Appendix-1**Performa for estimation of Muck generation**

1. Name of the applicant of the plot/land/project.
2. Area and Kh.No. of the plot/land/project.
3. Location of the plot/land/project including Municipal Ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated (quantity must be specified in cubic metres) alongwith estimate duly Signed by the authorized person.

Signature

(Name and address of the applicant)

Date:

Place:

MUNICIPAL COUNCIL, BADDI, (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE –LAWS, 2013

NOTIFICATION*Baddi, the 20th May, 2013*

No. MC/Baddi/Muck Dumping/2013-537-546.—The following Muck Dumping Bye Laws, 2013 prepared by the Municipal Council, Baddi in exercise of the power conferred by Section 216, 217 and Section 219 read with clauses Y&Z of Section 202 of H.P Municipal Council Act, 1994 (Act No. 13 of 1994) as amended from time to time, the following Muck Dumping Bye-Laws, 2013 formulated by the Municipal Council, Baddi have been considered by the Municipal Council, Baddi and finalized these Bye- Laws.

These Bye-Laws shall come in to force from the date of its publication in the official Gazette of Himachal Pradesh:—

MUNICIPAL COUNCIL BADDI (CONTROL AND REGULATION OF MUCK DUMPING) BYE-LAWS-2012.

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called, “Municipal Council Baddi (Control and Regulation of Muck-Dumping) Bye-laws,2012.”

(ii) These Bye-laws shall come into force from the date of their publication in the Daily news paper (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the Jurisdiction of Municipal Council, Baddi as defined from time to time.

2. Definitions.— (i) In these Bye-laws, unless the context otherwise requires.—

- (a) **“Act”**-means the Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994) as amended from time to time.
- (b) **“Applicant”**- means any persons applying for permission for dumping of muck in the authorized dumping places as specifies by the Council.
- (c) **“Authorized Officer”**- means any Officer/official duly authorized by the Council or its Executive Officer under these Bye-laws.
- (d) **“Muck”**- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or debris including building, construction waste.
- (e) **“Place”**- means authorized site specified by the Council for Dumping of muck.
- (f) **“Special Judicial Magistrate First Class”**- means the Judicial Magistrate having Jurisdiction over the area of Municipal Council, Baddi under the Act.
- (g) Words and expression used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck at any place other than the place specified by the Council for dumping of muck within the area of the Municipal Council.

(ii) Any person found dumping muck illegally, un-authorizedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.—(i) Applicant or the person concerned, intending to commence construction within the area of the Council, shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the Council on the prescribed Performa annexed with these bye-laws as Appendix-I at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Council authorities by moving an application mentioning therein full particulars of the applicant, location of the building and the estimate/quantity of muck to be generated.

(ii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the Council on this account.

(iii) The place for dumping of muck shall be communicated to the applicant by the Council authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned agency or the contractor hired or engaged by the Council for managing the dumping site.

(iv) During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized officer of the Council at the time of the inspection. However, in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.

(v) There shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timing for dumping muck in the dumping site will be between 8:00 am to 6:00 pm. However, in case of exigencies and in view of traffic regulations in the town in the area the Council may in writing relax such timings.

(vi) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Council, in the larger public interest or in the case of emergent circumstances may relax such impositions/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(vii) The person, after obtaining the sanction of building map from the competent authority or before raising the construction of site, is required to install a painted board of the Size of 3'x2' indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done name of the dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the control room set up by the Council for entertainment of complaints etc.

(viii) The Engineering Cell of the Council shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (vii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of muck in the specified places.

(1) Per Cement Bag	Rs. 5/- per bag
(2) Pickup/Tractor-Trolley	Rs. 100/- per pickup/trolley
(3) Tipper light duty	Rs. 200/- per tipper
(4) Tipper heavy duty/truck	Rs. 400/- per tipper/truck
(5) Through Mule Cart / Manually	Rs. 5/- Per Bag.

An increase of 10% on these rates shall be applicable after every three years which shall be notified by the Council

6. Duties and responsibilities of the applicant/owner.—(i) It shall be the duty and responsibility of the owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place specified by the Council.

(ii) Whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Council, the owner and the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of Vehicle.— (i) The authorized officer or the police establishment of the Council, either on the information received by himself or through any other source immediately or receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report to this effect in writing either to the Executive Officer or Municipal Engineer, of the Council, and keep the same in custody at the place designated by the Council till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 400/- per day payable by registered owner to the Council in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before the institution of prosecution, be compounded by such officer as may be authorized by the Council or its Executive Officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate First Class by these Bye-laws read with section 260 of the code of criminal Procedure, 1973.

10. Penalty.— (i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Council, the rate of penalty shall be five times at the first instance, ten times at the second instance and for the third instance or thereafter the amount of penalty shall be twenty times of the actual rate of dumping as fixed by the Council as per Clause 5 of these Bye-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the Executive Officer may request the competent authority for withdrawal of recognition and registration, if any, granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
SUDHIR SHARMA
Executive Officer,
Municipal Council, Baddi, H.P.

**MUNICIPAL COUNCIL, NALAGARH, (CONTROL AND REGULATION) OF WORK
MUCK DUMPING BYE –LAWS, 2013**

NOTIFICATION

Nalagarh, the 20th May, 2013

No.MC/NLG/Muck Dumping/2013-520-529.—The following Muck Dumping Bye Laws, 2013 prepared by the Municipal Council, Nalagarh in exercise of the power conferred by Section 216, 217 and Section 219 read with clauses Y&Z of Section 202 of H.P Municipal Council Act, 1994 (Act No. 13 of 1994) as amended from time to time, the following Muck Dumping Bye-Laws, 2013 formulated by the Municipal Council, Baddi have been considered by the Municipal Council, Nalagarh and finalized these Bye- Laws.

These Bye-Laws shall come in to force from the date of its publication in the official Gazette of Himachal Pradesh.—

**MUNICIPAL COUNCIL NALAGARH (CONTROL AND REGULATION OF MUCK
DUMPING) BYE-LAWS-2012**

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called, “Municipal Council Nalagarh (Control and Regulation of Muck-Dumping) Bye-laws, 2012.”

(ii) These Bye-laws shall come into force from the date of their publication in the Daily news paper (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the Jurisdiction of Municipal Council, Nalagarh as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires.—

(a) **“Act”**—means the Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994) as amended from time to time.

(b) **“Applicant”**- means any persons applying for permission for dumping of muck in the authorized dumping places as specifies by the Council.

(c) **“Authorized Officer”**- means any Officer/official duly authorized by the Council or its Executive Officer under these Bye-laws.

(d) **“Muck”**- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or debris including building, construction waste.

(e) **“Place”**- means authorized site specified by the Council for Dumping of muck.

(f) **“Special Judicial Magistrate First Class”**- means the Judicial Magistrate having Jurisdiction over the area of Municipal Council, Nalagarh under the Act.

(g) Words and expression used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck at any place other than the place specified by the Council for dumping of muck within the area of the Municipal Council.

(ii) Any person found dumping muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.—(i) Applicant or the person concerned, intending to commence construction within the area of the Council, shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the Council on the prescribed performa annexed with these bye-laws as Appendix-I at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Council authorities by moving an application mentioning therein full particulars of the applicant, location of the building and the estimate/quantity of muck to be generated.

(ii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the Council on this account.

(iii) The place for dumping of muck shall be communicated to the applicant by the Council authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned agency or the contractor hired or engaged by the Council for managing the dumping site.

(iv) During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized officer of the Council at the time of the inspection. However, in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.

(v) There shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timing for dumping muck in the dumping site will be between 8:00 am to 6:00 pm. However, in case of exigencies and in view of traffic regulations in the town in the area the Council may in writing relax such timings.

(vi) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Council, in the larger public interest or in the case of emergent circumstances may relax such impositions/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(vii) The person, after obtaining the sanction of building map from the competent authority or before raising the construction of site, is required to install a painted board of the Size of 3'x2' indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done name of the dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area

of construction sanctioned on each floor and the telephone number of the control room set up by the Council for entertainment of complaints etc.

(viii) The Engineering Cell of the Council shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (vii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of muck in the specified places.

(1) Per Cement Bag	Rs. 5/- per bag
(2) Pickup/Tractor-Trolly	Rs. 100/- per pickup/trolly
(3) Tipper light duty	Rs. 200/- per tipper
(4) Tipper heavy duty/truck	Rs. 400/- per tipper/truck
(5) Through Mule Cart / Manually	Rs. 5/- Per Bag.

An increase of 10% on these rates shall be applicable after every three years which shall be notified by the Council.

6. Duties and responsibilities of the applicant/owner.—(i) It shall be the duty and reasonability of the owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place specified by the Council.

(ii) Whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Council, the owner and the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of Vehicle.—(i) The authorized officer or the police establishment of the Council, either on the information received by himself or through any other source immediately or receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report to this effect in writing either to the Executive Officer or Municipal Engineer, of the Council, and keep the same in custody at the place designated by the Council till it is not released to the registered owner. The halt charges

of the vehicle at such designated place shall be levied at the rate of Rs. 400/- per day payable by registered owner to the Council in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before the institution of prosecution, be compounded by such officer as may be authorized by the Council or its Executive Officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate First Class by these Bye-laws read with section 260 of the code of criminal Procedure, 1973.

10. Penalty.— (i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Council, the rate of penalty shall be five times at the first instance, ten times at the second instance and for the third instance or thereafter the amount of penalty shall be twenty times of the actual rate of dumping as fixed by the Council as per Clause 5 of these Bye-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the Executive Officer may request the competent authority for withdrawal of recognition and registration, if any, granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
SUDHIR SHARMA
Executive Officer,
Municipal Council, Nalagarh, H.P.

MUNICIPAL COUNCIL PARWANOO (Name of MC PARWANOO) (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Parwanoo, the 23rd May, 2013

No. MC/PWN/Muck Dumping/2013-1227.—The Draft Muck dumping bye-laws, 2012 made by the MC PARWANOO in exercise of the power conferred by section 216, 217 and Section 219 read with Clause (Y and zb) of sub section (I) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are published in the Rajpatra, Himachal Pradesh (Extraordinary) for the information of general public in the RAJPATRA dated 04/05/2013. The objections Were invited from the Public within 15 days. Now the Specified time Has expired & no objection filed by any one. Hence these Bye Laws Has been Finalized By Municipal Council PARWANOO. The Above Bye Laws will Come into force from the date of its publication in the Rajpatra, Himachal Pradesh.

“MC PARWANOO (Control and Regulation) of Muck Dumping Bye –Laws, 2012

Preliminary

1. Short title, commencement and application.—(i) These Bye Laws be called, Municipal Council, Parwanoo (Control and Regulation) of Muck Dumping Bye Laws, 2012.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction; of MC PARWANOO as defined from time to time.

2. Definitions.—I. In these Bye –laws unless the context otherwise requires:-

- (a) **“Act”**—means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**:- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC PARWANOO.
- (c) **“Authorized Officer”**:- means any Officer/Official duly authorized by the MC PARWANOO under these Bye –laws.
- (d) **“Muck”**:- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste. PARWANOO.
- (e) **“Place”**:- means authorized site specified by the MC PARWANOO for dumping of Muck.
- (f) **“Judicial Magistrate First Class”**:- means the judicial Magistrate having jurisdiction over the area of MC PARWANOO under the Act.
- (g) Words and expressions used in these Bye –Laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place than the place specified by the MC PARWANOO for dumping of Muck within their area.

(ii) Any person found dumping the Muck illegally, unauthorizedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—I. applicant or the person concerned intended to commence the construction within the area of the MC PARWANOO shall in writing submit detailed estimate of Muck to be generated from the plot/Construction site to the MC PARWANOO on the prescribed Performa annexed with these Bye-Laws as appendix-I at the time of submission of their building map/Plan for sanction . The building plan without such estimate shall to be considered for sanction.

II. The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favor of the applicant.

III. The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC PARWANOO on this account.

III. The place for dumping of muck shall be communicated to the applicant by the MC PARWANOO authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC PARWANOO for managing the dumping site.

IV. During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the MC PARWANOO at the time of inspection.

V. There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9.00 A.M. to 5.00 P.M. However, in the case of exigencies, the MC PARWANOO may in writing relax such restrictions.

IV. No one shall be permitted to carry the digging excavation of plot or land after sun set and before sun rise but the MC PARWANOO in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

VI. The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of 2x2 indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done. Name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/control room set up by the MC PARWANOO for entertainment of complaints et.

VII. The MC PARWANOO shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the details as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

I. Pickup	Rs. 100/- per pickup
II. Tipper light duty	Rs. 300/- per tipper
III. Tipper Heavy duty/truck	Rs. 500 /- per tipper/truck.
IV. MULE Transport	Rs. 10/- per Mule
V. Manual	Rs. 05/- per Trip

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC PARWANOO.

6. Duties and responsibilities of person concerned.—(a) it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the MC PARWANOO.

(b) Whosoever is found dumping Muck other than the place specified by the MC PARWANOO, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye Laws.

(c) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of Vehicle.—(a) the authorized officer or the police establishment of the MC PARWANOO in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(b) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(c) The Official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the MC PARWANOO till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the MC PARWANOO in cash or through demand draft.

8. Compounding of Offences.—All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the MC PARWANOO or Executive Officer, in this behalf, on payment of such sum as may be specified by such officer under these Bye Laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate first Class of the concerned Municipal area under section 260 of the code of criminal Procedure.

10. Penalty.—(a) whosoever, is guilty of dumping Muck other than the place specified/notified by the MC PARWANOO, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC PARWANOO in respect of the class and make of vehicle as defined in Clause 5 of these Bye –Laws.

(b) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/Official may request the competent authority for withdrawal of recognition and registration if any granted in their favor including withdrawal of building sanction granted in favor of the owner concerned.

By order,
Sd/-
Executive Officer,
Municipal Council, Parwanoo.

(Authoritative English Text of Nagar Panchayat Talai Notification No. NPT (Bye-Laws)/2013-681 dated 22-05-2013 as required under clause (3) of article 348 of the Constitution of India)

OFFICE OF THE NAGAR PANCHAYAT TALAI, DISTT. BILASPUR, H.P.

NOTIFICATION

Talai, the 22nd May, 2013

No. NPT (Bye-Laws)/2013-681.—In exercise of the powers conferred by Section 217 of Himachal Pradesh Municipal Act, 1994 (Act No.13 of 1994) as amended from time to time the dumping bye-laws having been formulated and approved by the Nagar Panchayat Talai, Distt. Bilaspur, H. P. and was published for information of general public on dated 26-12-2012 for inviting objections and suggestions of the affected persons with in 30 days from the date of public notice.

And whereas no objection has been received in the office of the Nagar Panchayat Talai. Hence the muck dumping bye laws has been finalized. The muck dumping bye laws called “Nagar Panchayat Talai (Control & Regulation of Muck dumping) Bye Laws 2013” are finalized and published and come into force with in the limit of Nagar Panchayat Talai from the date of publication of this Notification in the Rajpatra, H.P. (Extra Ordinary).

Now therefore, in exercise of the power conferred by section 216 and section 217 read with clause (y and zb) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No.13 of 1994) the Nagar Panchayat Talai, Distt. Bilaspur, H.P. hereby made the following bye-laws namely:-

Muck Dumping Bye-Laws of Nagar Panchayat Talai

1. Short title, commencement and application.—(i) These By-Laws may be called “Nagar Panchayat Talai (Control and Regulation of Muck Dumping) Bye-Laws,2013”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra Himachal Pardesh.

(iii) These Bye-Laws shall be applicable with in the jurisdiction of Nagar Panchayat Talai as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) “Act”- means the Himachal Pardesh Municipal Act, 1994 (Act No.13 of 1994) as amended from time to time.
- (b) “Applicant”- means any person applying for permission for dumping of muck in the authorized dumping places as specified by the Nagar Panchayat.
- (c) “Nagar Panchayat”- means Nagar Panchayat Talai.
- (d) “Authorized Officer”- means any Officer/Official duly authorized by the Nagar Panchayat or its Secretary under these Bye-laws.
- (e) “Muck”-includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or debris including building, construction waste.
- (f) “Place”-means authorized site specified by the Nagar Panchayat for dumping of muck.

- (g) “Executive Magistrate First Class”-means the Executive Magistrate having jurisdiction over the area of Nagar Panchayat Talai.
- (h) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on muck dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck in any place other than the place specified by the Nagar Panchayat for dumping of muck within the area of the Nagar Panchayat.

(ii) any person found dumping muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.—(i) Applicant or the person concerned, intending to commence construction within the area of the Nagar Panchayat, shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the Nagar Panchayat on the prescribed proforma annexed with these bye-laws as Appendix-I at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Nagar Panchayat authorities by moving an application mentioning therein full particulars of the applicant, location of the building and the estimate/quantity of muck to be generated.

(ii) the estimate submitted by the applicant shall be verified by the Assistant/Junior Engineer of the Nagar Panchayat after spot inspection and thereafter shall be sent to the Secretary for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining the receipt of the amount to be deposited by the applicant in the Nagar Panchayat on this account.

(iv) the place for dumping of muck shall be communicated to the applicant by the Nagar Panchayat authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the Junior Engineer of the Nagar Panchayat.

(v) during transportation of the muck, a person shall have to carry the original permission a copy of which shall have to be shown to the authorized officer of the Nagar Panchayat at the time of inspection. However, in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.

(vi) there shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timing for dumping muck in the dumping site will be between 9:00 am to 5:00 pm. However, in case of exigencies and in view of traffic regulations in the town in the area the Nagar Panchayat may in writing relax such timings.

5. Rates for dumping of muck.—The following rates shall be applicable for dumping of muck in the specified places.

- | | |
|-------------------------|------------------------|
| (i) Per Tractor Trolley | Rs. 50-00 per tractor. |
| (ii) Tipper light duty | Rs. 150-00 per Tipper |

(iii) Tipper Heavy duty/Truck	Rs. 300-00 per Tipper/Truck.
(iv) Manual	Rs.2-00 per cement bag
(v) by Mule	Rs.5-00 Each

An increase of 10% on these rates shall be applicable after every financial year.

6. Duties and responsibilities of the applicant/owner.—(i) It shall be the duty and responsibility of the owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place specified by the Nagar Panchayat.

(ii) whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Nagar Panchayat, the owner and the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws.

(iii) at the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer on the information received by himself or through any other source immediately on receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impounded the same if found violating the provisions of these Bye-laws.

(ii) the vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence (s) under these Bye-laws.

(iii) the official impounding the vehicle shall immediately report to this effect in writing the Secretary Nagar Panchayat and keep the same in custody at the place designated by the Nagar Panchayat till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs.200-00 per day payable by registered owner to the Nagar Panchayat in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the Nagar Panchayat or its Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Executive Magistrate First Class of the area.

10. Penalty.—(i) Whosoever, is guilty of dumping muck at a place other than the place (s) specified/notified by the Nagar Panchayat, the rate of penalty shall be five times at the first instance, ten times at the second instance and for the third instance or thereafter the amount of penalty shall be twenty times of the actual rate of dumping as fixed by the Nagar Panchayat as per Clause 5 of these Bye-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be

liable for disconnection of water, electricity and others civic amenities and the Secretary may request the competent authority for withdrawal of recognition and registration if any granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Talai,
Distt. Bilaspur, H.P.

Annexure-I

(See Bye-law 4(i))

Performa for estimation of Muck generation

1. Name of the Applicant of the Plot/Land/Project
2. Area and Kh. No. of the Plot/Land/Project
3. Location of the Plot/Land/Project including Nagar Panchayat Ward
4. Whether owner or builder or otherwise please specify
5. Estimated quantity of muck to be generated (quantity must be specified in cubic eters) long with estimate duly signed by the authorized person.

Signature,

(Name & address of the applicant).

Date:

Place:

NAGAR PANCHAYAT SUJANPUR TIHRA (Name of NP) Sujanpur Tihra (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Sujanpur Tihra, the 22th May, 2013

No. NPS(Muck Dumping)2013-772.—The following Muck Dumping bye-laws, 2013 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (y and z) of sub section (1)of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

No objection has been received in the Office of the Nagar Panchayat Sujanpur Tihra has then muck Dumping Bye Laws has been finalized.

“NP Sujanpur Tihra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”

Preliminary

1. Short title, commencement and application.—(i) These Bye-Laws may be called, “NP Sujanpur Tihra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”.

(ii) These Bye-Laws shall come into force the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of NP Sujanpur Tihra as defined from time to time.

2. Definitions.—(i) in these bye-laws, unless the context otherwise requires:—

(a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.

(b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP.

(c) **“Authorized Officer”**-means any Officer/Official duly authorized by the NP Sujanpur under these bye-laws.

(d) **“Muck”**-includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

(e) **“Place”**-means authorized site specified by the NP Sujanpur for dumping of Muck.

(f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of NP Sujanpur under the Act.

(g) Words and expressions used in these Bye-Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Sujanpur Tihra for dumping of Muck with in their area.

(ii) Any person found dumping the Muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing submit detailed estimate of Muck to be generated from the plot, construction site to the NP on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be.

(ix) The NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Manual	Rs. 10/- Per load
(ii) Mule	Rs. 20/- Per
(iii) Pick up	Rs. 300/- per pickup
(iv) Tipper light duty	Rs. 700/- per tipper
(v) Tipper Heavy duty/truck	Rs. 1200/- per tipper/truck

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP.

6. Duties and responsibilities of person concerned.—(i) it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified by the NP.

(ii) Who so ever is found dumping Muck other than the place specified by the NP , the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws generated from the plot/ construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the NP on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the NP authorities in writing and the same of the place/ site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency. Or the contractor hired or engaged by the NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the NP at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 09:00 A.M to 05:00 P.M. However, in the case of exigencies, the NP may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board size of x indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.

(ix) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer / official and keep the same in custody at the place designated by the NP till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the NP in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by the NP or Executive / Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the code of Criminal Procedure.

10. Penalty.—(i) whosoever, is guilty of dumping Muck other than the place specified/notified by the NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or there after the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the NP in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer /Official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar panchayat Sujampur Tihra.
Distt. Hamirpur (H.P.).

MUNICIPAL COUNCIL RAMPUR BUSHAHR DISTT SHIMLA (HP)**(CONTROL AND REGULATION OF) OF MUCK DUMPING BYE-LAWS, 2013****NOTIFICATION**

Rampur Bushahr, the 23rd May, 2013

No. 1051-52 .—The following Muck dumping by-laws, 2012 made by the MC Rampur in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and z b) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from to time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC Rampur after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

And whereas no objection and suggestions has been received within the stipulated period, the matter was discussed and finally approved in the house vide its resolution No. 224 dated 30/01/2013.

Now therefore in exercise of the powers conferred ibid sections of the Himachal Pradesh Municipal Act, 2013 (Act No.13 of 1994) is hereby enacted the Municipal Council Rampur Bushahr Distt. Shimla H.P. (Control and Regulation) of Muck Dumping Bye laws 2013 as under :—

Objections, if any, received within the period as specified above, shall be taken into consideration by the MC Rampur before finalizing these bye-laws namely:—

“MC Rampur (Control and Regulation) of Muck Dumping Bye-laws, 2013.”

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called “MC Rampur Control and Regulation) of Muck Dumping Bye-laws, 2013.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of MC RAMPUR as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC Rampur.
- (c) **“Authorized Officer”**-means any Officer/official duly authorized by the MC Rampur under these Bye-laws.
- (d) **“Muck”**-includes earth of stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

- (e) **“Place”**-means authorized site specified by the MC Rampur for dumping of muck.
- (f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of MC Rampur under the Act.
- (g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the MC Rampur for dumping of Muck within their area.

(ii) Any person found dumping the Muck illegally, un-authorisly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) applicant or the person concerned intended to commence the construction within the area of the MC Rampur shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the MC Rampur on the prescribed proforma annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Rampur on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the MC Rampur authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the contractor hired or engaged by the MC Rampur for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the MC Rampur at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in the case of exigencies, the MC Rampur may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC Rampur in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size 2X4 indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping

site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the MC Rampur for entertainment of complaints etc.

(ix) The MC Rampur shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(I) Manual per Bag	Rs. 5/- per bag
(II) Mule	Rs. 20/-
(III) Pickup	Rs.300/- per pickup
(IV) Tipper light duty	Rs.700/-per tipper
(V) Tipper Heavy duly/truck	Rs. 1200/- per tipper/truck

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC Rampur.

6. Duties and responsibilities of person concerned.—(i) it shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the MC Rampur.

(ii) whosoever is found dumping Muck other than the place specified by the MC Rampur, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.

(iii) At the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) the authorized officer or the police establishment of the MC Rampur in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authority officer/official and keep the same in custody at the place designated by the MC Rampur till it is not released to the registration owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the MC Rampur in cash or through demand draft.

8. Compounding of offences.— All the offences punishable under these Bye-laws, before, the institution or Prosecution, be compounded by such officer as may be authorized by the MC Rampur of Executive officer/ Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Special Judicial Magistrate First Class of the concerned municipal area under section 260 of the Code of Criminal Procedure.

10. Penalty.—(i) whosoever, is guilty of dumping Muck other than the place specified/notified by the MC Rampur, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance of thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC Rampur in respect of the class and make of vehicle as defined in Clause 5 of these By-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/ official may request the competent authority of withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Executive officer,
Municipal Council Rampur Bushahr,

ब अदालत श्री मोहिन्द्र सिंह राणा, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री राजीव सोनी सुपुत्र श्री बलदेव राज सोनी, निवासी गांव व डाकघर बनीखेत, तहसील डलहौजी, जिला चम्बा (हि0 प्र0)।

बनाम

आम जनता

विषय.—प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र, ब्यान हल्फी बमय अन्य कागजात इस आशय से गुजारा है कि उसके पुत्र परितोष सोनी की जन्म तिथि 27-1-1998 है, जो कि ग्राम पंचायत बनीखेत के रिकॉर्ड में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इशतहार सूचित किया जाता है कि प्रार्थी के पुत्र की जन्म तिथि ग्राम पंचायत बनीखेत के रिकॉर्ड में दर्ज करने बारे यदि किसी को कोई उजर-एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 18-6-2013 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम व जन्म तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 15-5-2013 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मोहिन्द्र सिंह राणा,
कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री मोहिन्द्र सिंह राणा, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री महाशू राम सुपुत्र श्री जैसी राम, निवासी गांव तेंई, डाकघर मेल, तहसील डलहौजी, जिला चम्बा (हि0 प्र0)।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना—पत्र, ब्यान हल्फी बमय अन्य कागजात इस आशय से गुजारा है कि उसके पुत्र दीपेन्द्र सिंह की जन्म तिथि 1-9-2004 है, जो कि ग्राम पंचायत मेल के रिकॉर्ड में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के पुत्र की जन्म तिथि ग्राम पंचायत मेल के रिकॉर्ड में दर्ज करने बारे यदि किसी को कोई उजर—एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 18-6-2013 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम व जन्म तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 7-5-2013 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मोहिन्द्र सिंह राणा,
कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।